

Application Serial No. 09/769,514

REMARKS

The Examiner raises two issues in the Office Action dated 9/11/2007 in connection with a supposed incomplete response. With reference to the Patent Office's PAIR Website, the transaction history in the subject application shows that the last non-final rejection was mailed to Applicant on 1 May 2006. Applicant timely responded to the non-final Office Action on 1 September 2006. The Examiner mailed a notice of Informal or Non-Responsive amendment on 19 December 2006 to which Applicant responded on 14 June 2007. Examiner then issued a further notice of Informal or non-response amendment dated 11 September 2007.

The Examiner first raises an issue with regard to the 35 USC 112(1) rejection. This rejection was fully addressed in Applicant's response of 1 September 2006. No further formal Office Action has been presented by the Examiner which contradicts Applicant's position maintained in that response. In the interim, Applicant has interviewed the Examiner and discussed the claims and has submitted further amendments to the claims. These claims accompany this submission. In Applicant's previous response, the offending language which was the basis of the 112 rejection was cancelled from Applicant's claims. As a result of the Interview with the Examiner, a further minor amendment was made to Claim 1 to indicate that the web interface "comprises both an interface to said free Internet applications and/or services and a skin comprising advertising that has a look and feel of the selected sponsor selected by said user ...". Applicant maintains that Applicant's previous submission had entirely overcome the basis for Examiner's rejection under 35 U.S.C. 112, which was that the claim language are not enabled by the Specification. Responsive thereto, Applicant had struck such language from Claim 1. The current claim amendment to Claim 1 is a further clarification based on Applicant's perceived agreement with the Examiner as to additional revisions that would bring the claim into better condition for allowance. If the Examiner disagrees with this then the Examiner should spell this out in a formal Office Action. Applicant has made every possible effort to comply with the Examiner's request for a complete response and is of the opinion that Applicant has done so.

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With regard to the second item concerning the rejection based on Krishan's patent, Applicant notes that the Examiner has only asserted Krishan in connection Claim 15. Because Claim 15 was cancelled, the rejection was no longer viable, the cancellation of Claim 15 rendering the rejection moot. Applicant pointed this out without any lack of clarity in Applicant's previous response.

Finally, Applicant notes that as a post script, the Examiner has indicated that the invention as claimed in amended Claim 1 does not recite "a method of embedding or inserting an advertiser's or sponsor's logo or background or advertising in a free Software or Application, provided to a user by the sponsor, and displaying this logo or background each time the user accesses the sponsor's free Software." Applicant thanks the Examiner for pointing this out. However, Applicant respectfully disagrees that Claim 1 does not teach this. The Examiner's point is that the method should comprise embedding or inserting an advertiser's or sponsor's logo or background or advertising into the free Software Application provided to the user by the sponsor, and displaying the logo or background each time the user accesses the free Software. Applicant summarizes Claim 1 as follows:

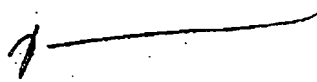
The claim is directed to a method for advertising, a menu is provided to the user to allow the user to select among free Internet applications and services, the user is then provided with a menu for selecting a sponsor for the free applications and services, the system notes the free Internet application and services and sponsors selected by the user, the user is then provided with access to an use of the free Internet services and Applications. Significantly, and to the point raised by the Examiner, the web interface accessed by the user "comprises both an interface to said free internet applications and/or services a skin comprising advertising that has a look and feel of the selected sponsor selected by said user, said skin being displayed to said user every time the user accesses and uses the free Internet Application and/or service."

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In view of the foregoing, Applicant is of the opinion that Claim 1 clearly specifies the subject matter mentioned by the Examiner in the current Office Action.

Should the Examiner deem it helpful, he is encouraged to contact Applicant's attorney, Michael A. Glenn at (650) 474-8400.

Respectfully submitted,



Michael A. Glenn

Reg. No. 30,176

Customer No. 22862